

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANDREW JAMES MCGONIGLE,

Plaintiff,

v.

Civil Action 2:24-cv-4293

Judge James L. Graham

Magistrate Judge Chelsey M. Vascura

VALUE CITY FURNITURE, INC.,

Defendant.

ORDER

This matter is before the Court on Defendant’s Motion to Bifurcate and Stay Class Discovery (ECF No. 7). Defendant seeks to stay class discovery until Plaintiff’s individual claim under the Telephone Consumer Protection Act (“TCPA”) is resolved. Defendant argues that limited discovery and dispositive motions targeting the merits of Plaintiff’s individual claim is the most efficient way to proceed. (*Id.*)

“Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined.” *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir. 1999). In the TCPA context, courts within the Sixth Circuit have taken varying approaches to staying class discovery pending resolution of the named plaintiff’s individual claim. *See, e.g., Pavelka v. Paul Moss Ins. Agency, LLC*, No. 1:22 CV 02226, 2023 WL 3584695, at *3 (N.D. Ohio May 22, 2023) (staying class discovery); *Dembski v. Clear Rate Commc’ns, Inc.*, No. 18-CV-12622, 2019 WL 13197716, at *2 (E.D. Mich. May 1, 2019) (denying bifurcation of discovery). Here, the undersigned agrees with Defendant that staying

class discovery is the most efficient option. Accordingly, for good cause shown, Defendant's Motion to Bifurcate and Stay Class Discovery (ECF No. 7) is **GRANTED**. To limit prejudice to Plaintiff, the initial discovery deadline and dispositive motions deadline for Plaintiff's individual TCPA claim will be expedited. The parties are **ORDERED** to jointly propose these deadlines in their forthcoming Rule 26(f) report.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE